

## § 1203b.108

(2) The officer shall be promptly suspended from duty with pay or reassigned to other duties not involving the use of a firearm, as the Installation Director or the Associate Administrator for Management Systems and Facilities deems appropriate, pending investigation of the incident.

(3) The cognizant Installation Director, or for incidents occurring at NASA Headquarters, the Associate Administrator for Management Systems and Facilities, shall appoint an investigating officer to conduct a thorough investigation of the incident. Additional personnel may also be appointed, as needed to assist the investigating officer. Upon conclusion of the investigation, the investigating officer shall submit a written report of findings and recommendations to the appropriate Installation Director or the Associate Administrator for Management Systems and Facilities.

(4) Upon conclusion of the investigation, the Installation Director or the Associate Administrator for Management Systems and Facilities, with the advice of Counsel, shall determine the disposition appropriate to the case.

(d) Firearms will be periodically inspected and kept in good working order by a qualified gunsmith. Ammunition, holsters, and related equipment will be periodically inspected for deterioration and kept in good working order. Firearms and ammunition will be securely stored separately in locked containers. Firearms will not be stored in a loaded condition. Neither firearms nor ammunition will be stored in the same containers as money, drugs, precious materials, or classified information. NASA Headquarters and each Installation shall adopt procedures for the maintenance of records with respect to the issuance of firearms and ammunition.

[57 FR 4926, Feb. 11, 1992, as amended at 58 FR 5263, Jan. 21, 1993]

### § 1203b.108 Management oversight.

(a) The Administrator shall establish a committee to exercise management oversight over the implementation of arrest authority.

(b) The Administrator shall establish a reporting requirement for Headquarters and Field Installations.

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(c) The Associate Administrator for Management Systems and Facilities, or designee, will ensure that all persons who are authorized to exercise arrest authority will, before performing these duties:

(1) Receive instructions on regulations regarding the use of force, including deadly force; and

(2) Demonstrate knowledge and skill in the use of unarmed defense techniques and their assigned firearms.

(d) The Associate Administrator for Management Systems and Facilities, or designee, will also:

(1) Provide periodic refresher training to ensure continued proficiency and updated knowledge as to the use of unarmed defense techniques;

(2) Require security force officers exercising arrest authority to requalify semiannually with their assigned firearms; and

(3) Require periodic refresher training to ensure continued familiarity with regulations.

(e) The Associate Administrator for Management Systems and Facilities and Installation Directors shall issue local management instructions, subject to prior NASA Headquarters approval, which will supplement this regulation for Headquarters/Installation-specific concerns.

[57 FR 4926, Feb. 11, 1992, as amended at 58 FR 5263, Jan. 21, 1993]

### § 1203b.109 Disclaimer.

These regulations are set forth solely for the purpose of internal National Aeronautics and Space Administration guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal, and they do not place any limitations on otherwise lawful activities of security force personnel or the National Aeronautics and Space Administration.

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### Subparts 1–3 [Reserved]

### Subpart 4—Small Business Policy

AUTHORITY: 42 U.S.C. 2473(c)(5); 42 U.S.C. 2473b; Public Law 101–507, the VA/HUD/Indep. Agencies Appropriation Act for FY 1991, at 104 Stat. 1380 (Nov. 5, 1990); and 15 U.S.C. 631–650.

SOURCE: 58 FR 43554, Aug. 17, 1993, unless otherwise noted.

#### § 1204.400 Scope of subpart.

This subpart establishes NASA’s small business policy and outlines the delegation of authority in implementing this policy as required by Federal law.

## § 1204.401

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### § 1204.401 Policy.

(a) It is the policy of NASA to enable small business concerns (including small women-owned businesses), Historically Black Colleges and Universities, and other minority educational institutions the opportunity to participate equitably and proportionately in its total purchases and contracts consistent with NASA's needs to execute its missions.

(b) In carrying out the NASA procurement program, the primary consideration shall be that of securing contract performance, including obtaining deliveries of required items or services at the time, in the quantity and of the quality prescribed. In the area of research and development contracts, the general policy of NASA is to award such contracts to those organizations determined by responsible personnel to have a high degree of competence in the specific branch of science or technology required for the successful conduct of the work. It is in the interest of the civilian space program that the number of firms engaged in research and development work for NASA be expanded and that there be an increase in the extent of participation in such work by competent small and small disadvantaged business firms.

### § 1204.402 Responsibilities.

(a) *Office of Small and Disadvantaged Business Utilization (OSDBU).* The Associate Administrator for Small and Disadvantaged Business Utilization, NASA Headquarters, is responsible for the development, supervision, and coordination of the NASA Small Business Program. The Associate Administrator is also responsible for formulating policy and procedures relating to small business, and representing NASA before other Government agencies on matters primarily affecting small business.

(b) *NASA Headquarters and Field Installations.* The Directors of Field Installations and the Associate Administrator for Procurement at Headquarters will designate a qualified individual as a "Small Business Specialist" to provide a central point of contact to which small and small disadvantaged business concerns may direct inquiries concerning participation in the NASA procurement program, or

secure assistance in submitting bids or proposals and performance of contracts. Where the Director of the Field Installation considers that the volume of procurement at the Installation does not warrant a full-time Small Business Specialist, the Director may assign such duties to qualified procurement personnel on a part-time basis. NASA Field Installations shall establish and maintain liaison with the Small Business Administration (SBA) Procurement Center Representative (PCR) or the appropriate Small Business Administration Regional Office in matters relating to Field Installation procurement activities. A Small Business Technical Advisor shall be assigned to each contracting activity within the agency to which the SBA has assigned a PCR.

### § 1204.403 General requirements.

(a) All proposed procurement transactions in excess of \$25,000 shall be examined by a Small Business Specialist prior to issuance of bids or requests for proposals to determine suitability for small participation or set-asides, unless the transaction has already been set-aside for small business by the contracting officer.

(b) The appropriate office of the Small Business Administration (assigned PCR) shall be informed of proposed procurements estimated to exceed \$25,000.

(c) A Bidder's list shall be maintained at each Field Installation on a current basis and reviewed to ensure that small business firms are given an equitable opportunity to participate in those procurements suitable for performance by such firms. Installations may use, at their option, the SBA Procurement Automated Source System (PASS) in lieu of the separate Center Bidder's list, if resources can be conserved.

(d) NASA Small Business Specialists shall acquire descriptive data, brochures, or other information concerning small business firms that appear competent to perform research and development (R&D) work in fields in which NASA is interested and furnish such information to appropriate NASA personnel for consideration of

these firms in future R&D procurements. The Small Business Specialists at Headquarters and Field Installations shall assist and consult, as necessary, with NASA technical personnel in analyzing such information, arranging field inspection of facilities, making appointments for technical personnel with representatives of small business firms, and obtaining from other agencies appraisals of work performance by such firms. When feasible, Small Business Specialists shall conduct or participate in outreach conferences and training sessions to inform small businesses of contracting opportunities with the Agency.

(e) In accordance with Public Law 95-507, NASA will require contractors having contracts in excess of \$1 million for the construction of any public facility, and in excess of \$500,000 for all other contracts, and of such nature as to afford opportunities for subcontracting in substantial amounts, to establish and conduct small business subcontracting programs. Such programs will be periodically reviewed by NASA Small Business Specialists to evaluate their adequacy.

(f) NASA will encourage competent small business concerns to submit unsolicited proposals for research and development work in areas within NASA's responsibility, which may lead to contracts for such work. The formation of contractor pools or joint ventures to perform research and development work will also be encouraged.

(g) NASA Small Business Specialists will disseminate to small business concerns information concerning inventions for which NASA holds patents on behalf of the United States and under which it is NASA policy to grant licenses.

(h) Small business participation in NASA procurement shall be accurately measured, recorded, and publicized.

(i) NASA small business personnel shall assist small business concerns to obtain payments under their contracts, late payment interest penalties, or information due to such concerns.

### Subpart 5—Delegations and Designations

AUTHORITY: 42 U.S.C. 2473; 36 U.S.C. 143.

#### § 1204.500 Scope of subpart.

This subpart establishes various delegations of authority to, and designations of, National Aeronautics and Space Administration officials and other Government officials acting on behalf of the agency to carry out prescribed functions of the National Aeronautics and Space Administration.

[30 FR 3378, Mar. 13, 1965]

#### § 1204.501 Delegation of authority—to take actions in real estate and related matters.

(a) *Delegation of authority.* The Associate Administrator for Management Systems and Facilities and the Director, Facilities Engineering Division, are delegated authority, in accordance with applicable laws and regulations, and subject to conditions imposed by immediate superiors, to:

(1) Prescribe agency real estate policies, procedures, and regulations;

(2) Enter into and take other actions including, but not limited to, the following;

(i) Acquire (by purchase, lease, condemnation, or otherwise) fee and lesser interests in real property and, in the case of acquisition by condemnation, to sign declarations of taking.

(ii) Use, with their consent, the facilities of Federal and other agencies with or without reimbursement.

(iii) Determine entitlement to and quantum of, financial compensation under, and otherwise exercise the authority contained in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and regulations in implementation thereof.

(iv) Grant easements, leaseholds, licenses, permits, or other interests (wherever located) controlled by NASA.

(v) Grant the use of NASA-controlled real property and approve the acquisition and use of nongovernment owned real property for any NASA-related, nonappropriated fund activity purpose with the concurrence of the NASA Comptroller.

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(vi) Sell and otherwise dispose of real property in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471, et seq).

(vii) Exercise control over the acquisition, utilization, and disposal of movable/relocatable structures including prefabricated buildings, commercial packaged accommodations, trailers, and other like items used as facility substitutes.

(viii) Request other government agencies to act as real estate agent for NASA.

(ix) Authorize other NASA officials to take specific implementing action with regard to any real property transaction included in the scope of authority delegated in paragraph (a)(2) of this section.

(b) *Redelegation.* (1) The authority delegated in paragraph (a)(1) of this section may not be redelegated.

(2) The authority delegated in paragraph (a)(2) of this section may be redelegated with power of further redelegation.

(c) *Reporting.* The officials to whom authority is delegated in this section shall ensure that feedback is provided to keep the Administrator fully and currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority delegated hereunder.

[51 FR 26862, July 28, 1986, as amended at 56 FR 57592, Nov. 13, 1991]

## § 1204.502 [Reserved]

## § 1204.503 Delegation of authority to grant easements.

(a) *Scope.* 40 U.S.C. 319 to 319C authorizes executive agencies to grant, under certain conditions, the easements as the head of the agency determines will not be adverse to the interests of the United States and subject to the provisions as the head of the agency deems necessary to protect the interests of the United States.

(b) *Delegation of authority.* The Associate Administrator for Management Systems and Facilities and the Director, Facilities Engineering Division, are delegated authority to take actions in connection with the granting of easements.

(c) *Definitions.* The following definitions will apply:

(1) *State* means the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(2) *Person* includes any corporation, partnership, firm, association, trust, estate, or other entity.

(d) *Determination.* It is hereby determined that grants of easements made in accordance with the provisions of this section will not be adverse to the interests of the United States.

(e) *Redelegation.* (1) The Directors of Field Installations with respect to real property under their supervision and management may, subject to the restrictions in paragraph (f) of this section, exercise the authority of the National Aeronautics and Space Act of 1958, as amended, and 40 U.S.C. 319 to 319C to authorize or grant easements in, over, or upon real property of the United States controlled by NASA as will not be adverse to the interests of the United States.

(2) The Directors of Field Installations may redelegate this authority to only two senior management officials of the appropriate field installation.

(f) *Restrictions.* Except as otherwise specifically provided, no such easement shall be authorized or granted under the authority stated in paragraph (e) of this section unless:

(1) The appropriate Director of the Field Installation determines:

(i) That the interest in real property to be conveyed is not required for a NASA program.

(ii) That the grantee's exercise of rights under the easement will not interfere with NASA operations.

(2) Monetary or other benefit, including any interest in real property, is received by the government as consideration for the granting of the easement.

(3) The instrument granting the easement provides:

(i) For the termination of the easement, in whole or in part, and without cost to the government, if there has been:

(A) A failure to comply with any term or condition of the grant;

(B) A nonuse of the easement for a consecutive 2-year period for the purpose for which granted; or

(C) An abandonment of the easement; or

(D) A determination by the Associate Administrator for Management Systems and Facilities, the Director, Facilities Engineering Division, or the appropriate Director of the Field Installation that the interests of the national space program, the national defense, or the public welfare require the termination of the easement; and a 30-day notice, in writing, to the grantee that the determination has been made.

(ii) That written notice of the termination shall be given to the grantee, or its successors or assigns, by the Associate Administrator for Management Systems and Facilities, the Director, Facilities Engineering Division, or the appropriate Director of the Field Installation, and that termination shall be effective as of the date of the notice.

(iii) For any other reservations, exceptions, limitations, benefits, burdens, terms, or conditions necessary to protect the interests of the United States.

(g) *Waivers.* If, in connection with a proposed granting of an easement, the Director of a Field Installation determines that a waiver from any of the restrictions in paragraph (f) of this section is appropriate, authority for the waiver may be requested from the Associate Administrator for Management Systems and Facilities or the Director, Facilities Engineering Division.

(h) *Services of the Corps of Engineers.* In exercising the authority herein granted, the Directors of Field Installations, under the applicable provisions of any cooperative agreement between NASA and the Corps of Engineers (in effect at that time), may:

(1) Utilize the services of the Corps of Engineers, U.S. Army.

(2) Delegate authority to the Corps of Engineers to execute, on behalf of NASA, grants of easements in real property, as authorized in this section, provided that the conditions set forth in paragraphs (f) and (g) of this section are complied with.

(i) *Distribution of documents.* One copy of each document granting an easement interest under this authority, including instruments executed by the Corps of Engineers, will be forwarded for filing in the Central Depository for

Real Property Documents to: National Aeronautics and Space Administration, Facilities Operations and Maintenance Branch (Code JXG), Facilities Engineering Division, Washington, DC 20546.

[51 FR 26860, July 28, 1986, as amended at 56 FR 57592, Nov. 13, 1991]

**§ 1204.504 Delegation of authority to grant leaseholds, permits, and licenses in real property.**

(a) *Delegation of authority.* The National Aeronautics and Space Act of 1958, as amended, authorizes NASA to grant leaseholds, permits, and licenses in real property. This authority is delegated to the Associate Administrator for Management Systems and Facilities and the Director, Facilities Engineering Division.

(b) *Definition.* *Real Property* means land, buildings, other structures and improvements, appurtenances, and fixtures located thereon.

(c) *Determination.* It is hereby determined that grants of leaseholds, permits, or licenses made in accordance with the provisions of this section will not be adverse to the interests of the United States.

(d) *Redelegation.* (1) The Directors of Field Installations with respect to real property under their supervision and management may, subject to the restrictions in paragraph (e) of this section, grant a leasehold, permit, or license to any person or organization, including other Government agencies, a State, or political subdivision or agency thereof. This authority may not be exercised with respect to real property which is (i) excess within the meaning of 40 U.S.C. 472(e), or (ii) proposed for use by a NASA exchange and subject to the provisions of NASA Management Instruction 9050.6, NASA Exchange Activities.

(2) The Directors of Field Installations may redelegate this authority to only two senior management officials of the Field Installation concerned.

(e) *Restrictions.* Except as otherwise specifically provided, no leasehold, permit, or license shall be granted under the authority stated in paragraph (d) of this section unless:

(1) The Director of the Field Installation concerned determines:

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(i) That the interest to be granted is not required for a NASA program.

(ii) That the grantee's exercise of rights granted will not interfere with NASA operations.

(2) Fair value in money is received by NASA on behalf of the Government as consideration.

(3) The instrument provides:

(i) For a term not to exceed 5 years.

(ii) For the termination thereof, in whole or in part, and without cost to the Government if there has been:

(A) A failure to comply with any term or condition of the grant; or

(B) A determination by the Associate Administrator for Management Systems and Facilities, the Director, Facilities Engineering Division, or the Director of the Field Installation concerned that the interests of the national space program, the national defense, or the public welfare require the termination of the interest granted; and a 30-day notice, in writing, to the grantee that such determination has been made.

(iii) That written notice of termination shall be given to the grantee, or its successors or assigns, by the Associate Administrator for Management Systems and Facilities, the Director, Facilities Engineering Division, or the Director of the Field Installation concerned, and that termination shall be effective as of the date specified by such notice.

(iv) For any other reservations, exceptions, limitations, benefits, burdens, terms, or conditions necessary to protect the interests of the United States.

(f) *Waivers.* If, in connection with a proposed grant, the Director of a Field Installation determines that a waiver from any of the restrictions set forth in paragraph (e) of this section is appropriate, a request may be submitted to the Associate Administrator for Management Systems and Facilities or the Director, Facilities Engineering Division.

(g) *Services of the Corps of Engineers.* In exercising the authority herein granted, the Directors of Field Installations, pursuant to the applicable provisions of any cooperative agreement between NASA and the Corps of Engineers (in effect at the time), may:

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(1) Utilize the services of the Corps of Engineers, U.S. Army.

(2) Delegate authority to the Corps of Engineers to execute, on behalf of NASA, any grants of interests in real property as authorized in this section provided that the conditions set forth in paragraphs (e) and (f) of this section are complied with.

(h) *Distribution of Documents.* One copy of each document granting an interest in real property, including instruments executed by the Corps of Engineers, will be forwarded for filing in the Central Depository for Real Property Documents to: National Aeronautics and Space Administrator, Facilities Operations and Maintenance Branch (Code JXG), Facilities Engineering Division, Washington, DC 20546.

[51 FR 27528, Aug. 1, 1986, as amended at 56 FR 57592, Nov. 13, 1991]

**§ 1204.505 Delegation of authority to execute certificates of full faith and credit.**

(a) *Scope.* This section designates NASA officials authorized to certify NASA documents to be submitted in evidence in Federal Courts.

(b) *Delegation of authority.* The following NASA Headquarters officials are delegated authority to execute certificates of full faith and credit (Office of the Administrator section of NASA Form 955) certifying the signatures and authority of employees of the National Aeronautics and Space Administration, whenever such certification is required to authenticate copies of official records for possible admission in evidence in judicial proceedings pursuant to 28 U.S.C. 1733 or any other statute:

(1) General Counsel;

(2) Deputy General Counsel;

(3) [Reserved]

(4) Assistant General Counsels.

[29 FR 6319, May 14, 1964, as amended at 39 FR 25229, July 9, 1974; 43 FR 34122, Aug. 3, 1978]

**§ 1204.506 Delegation of authority to license the use of the Centennial of Flight Commission name.**

(a) *Delegation of authority.* The Assistant Administrator for Public Affairs is delegated the authority of section 9 of

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the Centennial of Flight Commemoration Act, as amended (Pub. L. 105-389) to license the use of the Centennial of Flight Commission name on any logo, emblem, seal, or descriptive or designating mark adopted for use by the Administrator in commemorating the centennial of powered flight.

(b) *Redelegation*. The authority delegated in paragraph (a) of this section may not be redelegated.

[67 FR 47257, July 18, 2002]

### § 1204.507 [Reserved]

### § 1204.508 Delegation of authority of certain civil rights functions to Department of Health, Education, and Welfare.

(a) Pursuant to the authority of §1250.111(c) of this chapter, the following responsibilities of the National Aeronautics and Space Administration and of the responsible NASA official under Title VI, Civil Rights Act of 1964 (78 Stat. 252) (42 U.S.C. 2000d), with respect to institutions of higher education were delegated by the Administrator, NASA, to the Secretary, Department of Health, Education, and Welfare, on March 15, 1966:

(1) Responsibilities with respect to compliance reports, including receiving and evaluation thereof under §1250.105(b) of this chapter, and other actions under §1250.105 of this chapter.

(2) All actions under §1250.106 of this chapter, including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

(b) NASA specifically has reserved to itself the responsibilities for effectuation of compliance under §§1250.107, 1250.108, and 1250.109 of this chapter.

(c) The responsibilities so delegated were and are to be exercised in accordance with the "Plan for Coordinated Enforcement Procedures for Higher Education" (dated February 1966), developed by interested Government agencies and approved by the Department of Justice; and redelegation by the Secretary to other officials of the Department of Health, Education, and Welfare was authorized.

(d) NASA has retained the right to exercise these responsibilities itself in

special cases with the agreement of the appropriate official in the Department of Health, Education, and Welfare. The Office of Grants and Research Contracts, NASA Headquarters, has been designated to represent NASA in carrying out the provisions of this delegation.

[32 FR 3883, Mar. 9, 1967]

### § 1204.509 Delegation of authority to take action regarding "liquidated damage" assessments under the Contract Work Hours and Safety Standards Act, and associated labor statutes.

(a) *Delegation of authority*. The Director, Industrial Relations Office, is hereby delegated the authority to act for the Administrator in all matters where the "Agency Head" is authorized to act under 29 CFR part 5, labor standards provisions applicable to contracts covering federally financed and assisted construction and labor standards provisions applicable to nonconstruction contracts as they are subject to the Contract Work Hours and Safety Standards Act, in regards to the assessment of liquidated damages.

(b) *Redelegation*. None authorized except by virtue of succession.

(c) *Reporting*. The official to whom authority is delegated in this regulation will assure that feedback is provided to keep the Administrator informed of significant actions, problems, or other matters of substance related to the exercise of the authority delegated hereunder.

[52 FR 35538, Sept. 22, 1987]

### Subparts 6–9 [Reserved]

### Subpart 10—Inspection of Persons and Personal Effects at NASA Installations or on NASA Property; Trespass or Unauthorized Introduction of Weapons or Dangerous Materials

AUTHORITY: 42 U.S.C. 2455.

SOURCE: 65 FR 47663, Aug. 3, 2000, unless otherwise noted.



## **§ 1204.1000**

## **14 CFR Ch. V (1–1–09 Edition)**

### **§ 1204.1000 Scope of subpart.**

This subpart establishes NASA policy and prescribes minimum procedures concerning the inspection of persons and property in their possession while entering, or on, or exiting NASA real property or installations (including NASA Headquarters, Centers, or Component Facilities). In addition, it proscribes unauthorized entry or the unauthorized introduction of weapons or other dangerous instruments or materials at any NASA installation.

### **§ 1204.1001 Policy.**

(a) In the interest of national security, NASA will provide appropriate and adequate protection or security for personnel, property, installations (including NASA Headquarters, Centers, and Component Facilities), and information in its possession or custody. In furtherance of this policy, NASA reserves the right to conduct an inspection of any person, including any property in the person's possession or control, as a condition of admission to, continued presence on, or exiting from, any NASA installation.

(b) It is determined that this policy is intended to comply with the heightened security measures for installations owned or occupied by Federal agencies (in this case NASA), to mitigate threats to such installations and to better protect the persons and property thereon.

### **§ 1204.1002 Responsibility.**

The NASA Center Directors and the Associate Administrator for Headquarters Operations are responsible for implementing the provisions of this subpart. In implementing this subpart, these officials will coordinate their action with appropriate officials of other affected agencies.

### **§ 1204.1003 Procedures.**

(a) All entrances to NASA real property or installations (including NASA Headquarters, Centers, or Component Facilities) will be conspicuously posted with the following notices:

(1) **CONSENT TO INSPECTION:** Your entry into, continued presence on, or exit from, this installation is contin-

gent upon your consent to inspection of person and property.

(2) **UNAUTHORIZED INTRODUCTION OF WEAPONS OR DANGEROUS MATERIALS IS PROHIBITED:** Unless specifically authorized by NASA, you may not carry, transport, introduce, store, or use firearms or other dangerous weapons, explosives or other incendiary devices, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property.

(b) Only NASA security personnel or members of the installation's uniformed security force will conduct inspections pursuant to this subpart. Such inspections will be conducted in accordance with guidelines established by the Director, Security Management Office, NASA Headquarters.

(c) If an individual does not consent to an inspection, it will not be conducted, but the individual will be denied admission to, or be escorted off the installation.

(d) If, during an inspection, an individual is found to be in unauthorized possession of items believed to represent a threat to the safety or security of the installation, the individual will be denied admission to or be escorted off the installation, and appropriate law enforcement authorities will be notified immediately.

(e) If, during an inspection conducted pursuant to this subpart, an individual is in possession of U.S. Government property without proper authorization, that person will be required to relinquish the property to the security representative pending proper authorization for the possession of the property or its removal from the installation. The individual relinquishing the property will be provided with a receipt for the property.

### **§ 1204.1004 Trespass.**

Unauthorized entry upon any NASA real property or installation is prohibited.

### **§ 1204.1005 Unauthorized introduction of firearms or weapons, explosives, or other dangerous materials.**

(a) The unauthorized carrying, transporting, or otherwise introducing or

causing to be introduced, or using firearms or other dangerous weapons, explosives or other incendiary devices, or other dangerous instrument, substance, or material likely to produce substantial injury or damage to persons or property, into or upon NASA real property, facility, or installation, is prohibited.

(b) Paragraph (a) of this section shall not apply to:

(1) The lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, or NASA contractor, who is authorized to carry firearms or other material covered by paragraph (a) of this section.

(2) The lawful carrying of firearms or other dangerous weapons at or on a NASA installation after written prior approval has been obtained from the installation Security Office in connection with sanctioned hunting, range practice, or other lawful purpose.

#### § 1204.1006 Violations.

Please take notice that anyone violating these regulations may be cited for violating Title 18 of the United States Code (U.S.C.) Section 799, which states that whoever willfully shall violate, attempt to violate, or conspire to violate any regulation or order promulgated by the Administrator of the National Aeronautics and Space Administration for the protection or security of any laboratory, station, base or other facility, or part thereof, or any aircraft, missile, spacecraft, or similar vehicle, or part thereof, or other property or equipment in the custody of the Administration [NASA], or any real or personal property or equipment in the custody of any contractor under any contract with the Administration or any subcontractor of any such contractor, shall be fined under this title [Title 18], or imprisoned not more than one year, or both.

#### Subparts 11–13 [Reserved]

### Subpart 14—Use of NASA Airfield Facilities by Aircraft Not Operated for the Benefit of the Federal Government

AUTHORITY: 42 U.S.C. 2473(c)(1).

SOURCE: 56 FR 35812, July 29, 1991, unless otherwise noted.

#### § 1204.1400 Scope.

This subpart establishes the responsibility and sets forth the conditions and procedures for the use of NASA airfield facilities by aircraft not operated for the benefit of the Federal Government.

#### § 1204.1401 Definitions.

For the purpose of this subpart, the following definitions apply:

(a) *NASA Airfield Facility*. Those aeronautical facilities owned and operated by NASA that consist of the following:

(1) *Shuttle Landing Facility*. The aeronautical facility which is a part of the John F. Kennedy Space Center (KSC), Kennedy Space Center, Florida, and is located at 80°41' west longitude and 28°37' north latitude.

(2) *Wallops Airport*. The aeronautical facility which is part of the Wallops Flight Facility (WFF), Wallops Island, VA, and is located at 75°28' west longitude and 37°56' north latitude in the general vicinity of Chincoteague, Virginia.

(3) *Moffett Federal Airfield (MFA)*. The aeronautical facility which is part of the Ames Research Center, Moffett Field, California, and is located at 122°03' west longitude and 37°25' north latitude.

(4) *Crows Landing Airport*. The aeronautical facility which is a part of the Crows Landing Flight Facility (CLEF) and is located at 121°06' west longitude and 37°25' north latitude, 45 miles east of the Ames Research Center.

(b) *Aircraft not Operated for the Benefit of the Federal Government*. Aircraft which are not owned or leased by the United States Government or aircraft carrying crew members or passengers who do not have official business requiring the use of a NASA airfield facility in the particular circumstance in question.

(c) *Official Business*. Business, in the interest of the U.S. Government, which

personnel aboard an aircraft must transact with U.S. Government personnel or organizations at or near a NASA facility. The use of a NASA airfield facility by transient aircraft to petition for U.S. Government business or to obtain clearance, servicing, or other items pertaining to itinerant operations is not considered official business.

(d) *User.* An individual partnership or corporation owning, operating, or using an aircraft not operated for the benefit of the Federal Government in whose name permission to use a NASA airfield facility is to be requested and granted.

(e) *Hold Harmless Agreement.* An agreement executed by the user by which the user acknowledges awareness of the conditions of the permission to use a NASA airfield facility, assumes any risks connected therewith, and releases the U.S. Government from all liability incurred by the use of such facility.

(f) *Use Permit.* The written permission signed by the authorized approving official to land, take off, and otherwise use a NASA airfield facility. Such use permit may be issued for single or multiple occasions. The specific terms of the use permit and the provisions of this subpart govern the use which may be made of the airport by aircraft not operated for the benefit for the Federal Government.

(g) *Certificate of Insurance.* A certificate signed by an authorized insurance company representative (or a facsimile of an insurance policy) evidencing that insurance is then in force with respect to any aircraft not operated for the benefit of the Federal Government, the user of which is requesting permission to use a NASA airfield facility (see § 1204.1404(b)).

[56 FR 35812, July 29, 1991, as amended at 60 FR 37567, July 21, 1995]

**§ 1204.1402 Policy.**

(a) NASA airfields are not normally available to the general public; hence, any use of airfield facilities by aircraft not operated for the benefit of the Federal Government shall be within the sole discretion of the approving authorities.

(b) Except in the event of a declared in-flight emergency (see § 1204.1406) or as otherwise determined by an approving authority, aircraft not operated for the benefit of the Federal Government are not permitted to land or otherwise use NASA airfield facilities.

(c) Any use of a NASA airfield facility by aircraft not operated for the benefit of the Federal Government shall be free of charge and no consideration (monetary or otherwise) shall be exacted or received by NASA for such use. However, each user, as a condition of receiving permission to use such airfield facility, shall agree to become familiar with the physical condition of the airfield; abide by the conditions placed upon such use; subject the aircraft, the user, and those accompanying the user to any requirements imposed by NASA in the interest of security and safety while the aircraft or persons are on a NASA facility; use the facilities entirely at the user's own risk; hold the Federal Government harmless with respect to any and all liabilities which may arise as a result of the use of the facilities; and carry insurance covering liability to others in amounts not less than those listed in the Hold Harmless Agreement.

(d) Permission to use a NASA airfield facility will be granted only in accordance with the limitations and procedures established by an approving authority and then only when such use will not compete with another airport in the vicinity which imposes landing fees or other user charges.

(e) In no event, except for an in-flight emergency (see § 1204.1406), will permission to use NASA airfield facilities be granted to an aircraft arriving directly from, or destined for, any location outside the continental United States unless previously arranged and approved by the authorized approving official.

(f) Permission to use NASA airfields may be granted only to those users having the legal capacity to contract and whose aircraft are in full compliance with applicable Federal Aviation Administration (FAA) or other cognizant regulatory agency requirements.

(g) Permission to use NASA airfields, except in connection with a declared in-flight emergency, will consist only

of the right to land, park an aircraft, and subsequently take off. NASA is not equipped to provide any other services such as maintenance or fuel and such services will not be provided except following an in-flight emergency.

**§ 1204.1403 Available airport facilities.**

The facilities available vary at each NASA Installation having an airfield. The airport facilities available are:

(a) *Shuttle Landing Facility*—(1) *Runways*. Runway 15-33 is 15,000 feet long and 300 feet wide with 1,000-foot overruns. The first 3,500 feet at each end of the runway have been modified for smoothness. The center 8,000 feet of the runway is grooved for improved braking under wet conditions.

(2) *Parking Areas and Hangar Space*. No hangar space is available. Limited available concrete parking ramp space makes precoordination necessary.

(3) *Control Tower*. The control tower is normally in operation from 0800 to 1600 local time, Monday through Friday. Additional hours of operation are filed with the St. Petersburg Flight Service Station (FSS). The tower may be contacted on 128.55 MHz or 284.0 MHz. FAA regulations pertaining to the operation of aircraft at airports with an operating control tower (§91.87 of this title) will apply. When the tower is not in operation, the FAA regulations pertaining to the operation of aircraft at airports without an operating control tower (§91.89 of this title) will apply.

(4) *Navigation aids*. A Microwave Scanning Beam Landing System (MSBLS) and a Tactical Airborne Navigation System (TACAN) are installed at the Facility. There are two published TACAN approaches and an approved and published nondirectional beacon (NDB) approach available from Titusville. Runway approach lighting (similar to Category II ALSF-2) and edge lights are available by prior arrangement.

(5) *Hazards*. There are towers and buildings south, southeast, and northeast of the facility as high as 550 feet that could pose hazards to air navigation. All are marked with obstruction lights.

(6) *Emergency Equipment*. Aircraft Rescue and Fire-fighting (ARFF)

equipment will be provided in accordance with 14 CFR part 139.

(b) *Wallops Airport*—(1) *Runways*. There are three hard surfaced runways in satisfactory condition. The runways and taxiways are concrete and/or asphalt. Runway 10-28 is 8,000 feet long, 200 feet wide with maximum wheel load of 57,500 pounds; runway 04-22 is 8,750 feet long, 150 feet wide with maximum wheel load of 57,500 pounds; and runway 17-35 is 4,820 feet long, 150 feet wide with maximum wheel load of 14,700 pounds.

(2) *Parking Areas and Hangar Space*. No hangar space is available. However, limited concrete parking ramp space is available as directed by the control tower.

(3) *Control Tower*. This control tower is normally in operation from 0630 to 1830 local time, Monday through Friday, excluding Federal holidays. The tower may be contacted on 126.5 MHz or 394.3 MHz. When the tower is in operation, FAA regulations pertaining to the operation of aircraft at airports with an operating tower (§91.87 of this title) will apply. When the tower is not in operation, all aircraft operations will be handled by Wallops UNICOM on the tower frequency, and FAA regulations pertaining to the operation of aircraft at airports without an operating control tower (§91.89 of this title) will apply. In addition to Federal Aviation Regulations (FAR's) (s 91 of this title), Wallops requires that pilots obtain clearances from the Wallops UNICOM before landings, takeoffs, and taxiing. Civil aircraft operations are normally confined to daylight hours.

(4) *Navigation Aids*. All runways, 04-22, 10-28, and 17-35 are lighted. Both active taxiways, parallels 04-22 and 10-28, are lighted. Airfield lighting is available upon request. All runway approaches are equipped with operating precision approach path indicator (PAPI) systems and are available on request. All airfield obstructions are equipped with red obstruction lights.

(5) *Hazards*. Numerous towers in airport vicinity up to 241 feet above ground level. Existing tree obstructions are located 1500 feet west of runway 10 threshold. High shore bird population exists in the Wallops area. Deer occasionally venture across runways.

Light-controlled traffic crossovers are in existence. Potential radio frequency (RF) hazards exist from tracking radars. Hazards involving aircraft and rocket launch operations exist when Restricted Area R-6604 is active.

(6) *Emergency Equipment.* Aircraft rescue and fire-fighting equipment is normally available on a continuous basis.

(c) *Moffett Federal Airfield*—(1) *Runways.* There are two parallel runways, 32–14, both in satisfactory to good condition. The runways and taxiways are concrete and/or asphalt. Runway 32R–14L is 9,200 feet long, 200 feet wide; 32L–14R is 8,125 feet long, 200 feet wide with a 600 foot displaced threshold on 32L.

(2) *Parking areas and hangar space.* Hangar space is not available; concrete parking ramp space is available as directed by the control tower.

(3) *Control tower.* The control tower normally operates from 0700 to 2300 local time, 7 days a week, excluding Federal holidays. The tower frequencies are 126.2 Mhz, 353.2 Mhz, and 340.2 Mhz. When the tower is operating, FAA regulations pertaining to the operation of aircraft at airports with an operating tower (§91.87 of this title) will apply. When the tower is not in operation, all aircraft operations will be conducted by Moffett UNICOM on the tower frequency. FAA regulations pertaining to the operation of aircraft at airports without an operating control tower (§91.89 of this title) will apply.

(4) *Navigation aids.* An Instrument Landing System (ILS) is installed. An ILS/DME approach to runway 32R and an LOC/DME approach to runway 14L are published in DOD Flight Information Publication (Terminal), Low Altitude United States, Volume 2. ILS frequency is 110.35 Mhz, identifiers are Runway 32R, I-NUQ; Runway 14L, I-MNQ; Tactical Airborne Navigation (TACAN) (DME) is Channel 123, identifier is NUQ. Precision Approach Path Indicators (PAPI) are to be installed by July 1, 1995, to provide visual reference for the ILS and LOC approaches to runways 32R and 14L. A TACAN with approved and published approaches is operational at the facility (identification is NUQ, Channel 123). A Radio Controlled Lighting System (RCLS) is operational for the runway lights on 32R–14L; 3 clicks within 5 seconds, low

intensity; 5 clicks, medium intensity; 7 clicks, high intensity (tower frequency, 126.2 Mhz). Lights automatically extinguish after 15 minutes.

(5) *Hazards.* Large blimp hangars (approximately 200 feet high) bracket the parallel runways, one on the west side, two on the east side. A freeway at the approach end of 32L displaces the threshold 600 feet.

(6) *Emergency equipment.* Aircraft Rescue and Fire Fighting (ARFF) equipment is provided by the California Air National Guard continuously in accordance with U.S. Air Force Regulations.

(d) *Crows Landing Airport*—(1) *Runways.* There are two concrete runways, 35–17 and 30–12, both in satisfactory condition. Parallel taxiways are asphalt overlay or concrete. Runway 35–17 is 7,950 feet long, 200 feet wide; runway 30–12 is 6,975 feet long, 200 feet wide.

(2) *Parking areas and hangar space.* Hangars/hangar space do not exist; concrete parking ramp space is available as directed by the control tower.

(3) *Control tower.* The control tower normally operates only when research flight is scheduled by NASA-Ames. The airfield is closed at all other times except as arranged by other Federal users with the Chief, Airfield Management Office, Moffett Federal Airfield. The tower frequencies are 125.05 Mhz, 126.2 Mhz, 328.1 Mhz, and 337.8 Mhz. When the tower is operating, FAA regulations pertaining to the operation of aircraft at airports with an operating tower (§91.87 of this title) will apply. When the tower is not operating, all aircraft operations will be conducted with Crows Landing UNICOM on the primary tower frequency. FAA regulations pertaining to the operation of aircraft at airports without an operating control tower (§91.89 of this title) will apply.

(4) *Navigation aids.* Crows Landing Airport is a VFR facility. No certified NAVAIDS or published approach procedures exist.

(5) *Hazards.* Crows Landing Airport is located in an agricultural area. No obstructions exist within or immediately

adjacent to the airspace. The most persistent potential hazard is that of agricultural aircraft (crop dusters) without radios which transit the airspace.

(6) *Emergency equipment.* Aircraft Rescue and Fire Fighting (ARFF) equipment and services are provided by the California Air National Guard only during published hours of operation.

(e) *Other facilities.* No facilities or services other than those described above are available except on an individual emergency basis to any user.

(f) *Status of facilities.* Changes to the status of the KSC, WFF, MFA, and CLFF facilities will be published in appropriate current FAA or DOD aeronautical publications.

[56 FR 35812, July 29, 1991, as amended at 60 FR 37568, July 21, 1995]

#### § 1204.1404 Requests for use of NASA airfield facilities.

(a) Request for use of a NASA airfield, whether on a one time or recurring basis, must be in writing and addressed to the appropriate NASA facility, namely:

(1) *Shuttle Landing Facility.* Director of Center Support Operations, John F. Kennedy Space Center, Kennedy Space Center, Florida 32899.

(2) *Wallops Airport.* Director of Sub-orbital Projects and Operations, Goddard Space Flight Center, Wallops Flight Facility, Wallops Island, Virginia 23337.

(3) *Moffett Federal Airfield and Crows Landing Flight Facility.* Chief, Airfield Management Office, Ames Research Center, Mail Stop 158-1, Moffett Field, California 94035-1000.

(b) Such requests will:

(1) Fully identify the prospective user and aircraft.

(2) State the purpose of the proposed use and the reason why the use of the NASA airfield is proposed rather than a commercial airport.

(3) Indicate the expected annual use, to include number and approximate date(s) and time(s) of such proposed use.

(4) State that the prospective user is prepared to fully comply with the terms of this subpart 14 and the use permit which may be issued.

(c) Upon receipt of the written request for permission to use the airport,

the NASA official designated by each facility will request additional information, if necessary, and forward both this regulation and the required Hold Harmless Agreement for execution by the requestor or forward, where appropriate, a denial of the request.

(d) The signed original of the Hold Harmless Agreement shall be returned to the designated NASA official, and a copy retained in the aircraft at all times. Such copy shall be exhibited upon proper demand by any designated NASA official.

(e) At the same time that the prospective user returns the executed original of the Hold Harmless Agreement, the user shall forward to the designated NASA official the required Certificate of Insurance and waiver of rights to subrogation. Such certificate shall evidence that during any period for which a permit to use is being requested, the prospective user has in force a policy of insurance covering liability in amounts not less than those listed in the Hold Harmless Agreement.

(f) When the documents (in form and substance) required by paragraphs b through e of this section have been received, they will be forwarded with a proposed use permit to the approving authority for action.

(g) The designated NASA official will forward the executed use permit or notification of denial thereof to the prospective user after the approving authority has acted.

[56 FR 35812, July 29, 1991, as amended at 60 FR 37568, July 21, 1995]

#### § 1204.1405 Approving authority.

The authority to establish limitations and procedures for use of a NASA airfield, as well as the authority to approve or disapprove the use of the NASA airfield facilities subject to the terms and conditions of this subpart and any supplemental rules or procedures established for the facility is vested in:

(a) *Shuttle Landing Facility.* Director of Center Support Operations, Kennedy Space Center, NASA.

(b) *Wallops Airport.* Director of Sub-orbital Projects and Operations, Goddard Space Flight Center, Wallops Flight Facility, NASA.

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(c) *Moffett Federal Airfield and Crows Landing Flight Facility*. Chief, Airfield Management Office, Ames Research Center, NASA.

[56 FR 35812, July 29, 1991, as amended at 60 FR 37568, July 21, 1995]

### § 1204.1406 Procedures in the event of a declared in-flight emergency.

(a) Any aircraft involved in a declared in-flight emergency that endangers the safety of its passengers and aircraft may land at a NASA airfield. In such situations, the requirements for this subpart for advance authorizations, do not apply.

(b) NASA personnel may use any method or means to clear the aircraft or wreckage from the runway after a landing following an in-flight emergency. Care will be taken to preclude unnecessary damage in so doing. However, the runway will be cleared as soon as possible for appropriate use.

(c) The emergency user will be billed for all costs to the Government that result from the emergency landing. No landing fee will be charged, but the charges will include the labor, materials, parts, use of equipment, and tools required for any service rendered under these circumstances.

(d) In addition to any report required by the Federal Aviation Administration, a complete report covering the landing and the emergency will be filed with the airfield manager by the pilot or, if the pilot is not available, any other crew member or passenger.

(e) Before an aircraft which has made an emergency landing is permitted to take off (if the aircraft can and is to be flown out) the owner or operator thereof shall make arrangements acceptable to the approving authority to pay any charges assessed for services rendered and execute a Hold Harmless Agreement. The owner or operator may also be required to furnish a certificate of insurance, as provided in §1204.1404, covering such takeoff.

### § 1204.1407 Procedure in the event of an unauthorized use.

Any aircraft not operated for benefit of the Federal Government which lands at a NASA airfield facility without obtaining prior permission from the approving authority, except in a bona

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fide emergency, is in violation of this subpart. Such aircraft will experience delays while authorization for departure is obtained pursuant to this subpart and may, contrary to the other provisions of this subpart, be required, at the discretion of the approving authority, to pay a user fee of not less than \$100. Before the aircraft is permitted to depart, the approving authority will require full compliance with this subpart 1204.14, including the filing of a complete report explaining the reasons for the unauthorized landing. Violators could also be subject to legal liability for unauthorized use. When it appears that the violation of this subpart was deliberate or is a repeated violation, the matter will be referred to the Aircraft Management Office, NASA Headquarters, which will then grant any departure authorization.

## Subpart 15—Intergovernmental Review of National Aeronautics and Space Administration Programs and Activities

AUTHORITY: E.O. 12372, July 14, 1982, 47 FR 30959, as amended April 8, 1983, 48 FR 15887; sec. 401 of the Intergovernmental Cooperation Act of 1968, as amended (31 U.S.C. 6506).

SOURCE: 48 FR 29340, June 24, 1983, unless otherwise noted.

### § 1204.1501 Purpose.

(a) The regulations in this part implement Executive Order 12372, “Intergovernmental Review of Federal Programs,” issued July 14, 1982, and amended on April 8, 1983. These regulations also implement applicable provisions of section 401 of the Intergovernmental Cooperation Act of 1968, as amended.

(b) These regulations are intended to foster an intergovernmental partnership and a strengthened federalism by relying on state processes and on state, areawide, regional and local coordination for review of proposed direct Federal development.

(c) These regulations are intended to aid the internal management of the Agency, and are not intended to create any right or benefit enforceable at law

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by a party against the agency or its officers.

### § 1204.1502 Definitions.

*Administrator* means the Administrator of the U.S. National Aeronautics and Space Administration or an official or employee of the Agency acting for the Administrator under a delegation of authority.

*Agency* means the U.S. National Aeronautics and Space Administration.

*Order* means Executive Order 12372, issued July 14, 1982, and amended April 8, 1983, and titled "Intergovernmental Review of Federal Programs."

*State* means any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, or the Trust Territory of the Pacific Islands.

### § 1204.1503 Programs and activities subject to these regulations.

The Administrator publishes in the FEDERAL REGISTER a description of the Agency's programs and activities that are subject to these regulations.

### § 1204.1504 [Reserved]

### § 1204.1505 Federal interagency coordination.

The Administrator to the extent practicable, consults with and seeks advice from all other substantially affected federal departments and agencies in an effort to assure full coordination between such agencies and the Agency regarding programs and activities covered under these regulations.

### § 1204.1506 Procedures for selecting programs and activities under these regulations.

(a) A state may select any program or activity published in the FEDERAL REGISTER in accordance with § 1204.1503 of this part for intergovernmental review under these regulations. Each state, before selecting programs and activities shall consult with local elected officials.

(b) Each state that adopts a process shall notify the Administrator of the Agency's programs and activities selected for that process.

(c) A state may notify the Administrator of changes in its selections at any time. For each change, the state shall submit to the Administrator an assurance that the state has consulted with local elected officials regarding the change. The Agency may establish deadlines by which states are required to inform the Administrator of changes in their program selections.

(d) The Administrator uses a state's process as soon as feasible, depending on individual programs and activities, after the Administrator is notified of its selections.

### § 1204.1507 Communicating with State and local officials concerning the Agency's programs and activities.

(a) For those programs and activities covered by a state process under § 1204.1506 the Administrator, to the extent permitted by law:

(1) Uses the official state process to determine views of state and local elected officials; and;

(2) Communicates with state and local elected officials, through the official state process, as early in a program planning cycle as is reasonably feasible to explain specific plans and actions.

(b) The Administrator provides notice to directly affected state, areawide, regional, and local entities in a state of proposed direct Federal development if:

(1) The state has not adopted a process under the Order; or

(2) The development involves a program or activity not selected for the state process.

This notice may be made by publication in a periodical of general circulation in the area likely to be affected or other appropriate means, which the Agency in its discretion deems appropriate.

### § 1204.1508 Time limitations for receiving comments on proposed direct Federal development.

(a) Except in unusual circumstances, the Administrator gives state processes or state, areawide, regional and local officials and entities at least 60 days from the date established by the Administrator to comment on proposed direct Federal development.



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(b) This section also applies to comments in cases in which the review, coordination, and communication with the Agency has been delegated.

### **§ 1204.1509 Receiving and responding to comments.**

(a) The Administrator follows the procedures in § 1204.1510 if:

(1) A state office or official is designated to act as a single point of contact between a state process and all federal agencies; and

(2) That office or official transmits a state process recommendation for a program selected under § 1204.1506.

(b)(1) The single point of contact is not obligated to transmit comments from state, areawide, regional or local officials and entities where there is no state process recommendation.

(2) If a state process recommendation is transmitted by a single point of contact, all comments from state, areawide, regional, and local officials and entities that differ from it must also be transmitted.

(c) If a state has not established a process, or is unable to submit a state process recommendation, state, areawide, regional and local officials and entities may submit comments to the Agency.

(d) If a program or activity is not selected for a state process, state, areawide, regional and local officials and entities may submit comments to the Agency. In addition, if a state process recommendation for a nonselected program or activity is transmitted to the Agency by the single point of contact, the Administrator follows the procedures of § 1204.1510 of this part.

(e) The Administrator considers comments which do not constitute a state process recommendation submitted under these regulations and for which the Administrator is not required to apply the procedures of § 1204.1510 of this part, when such comments are provided by a single point of contact, or directly to the Agency by a commenting party.

### **§ 1204.1510 Efforts to accommodate intergovernmental concerns.**

(a) If a state provides a state process recommendation to the Agency

through its single point of contact, the Administrator either:

(1) Accepts the recommendation;

(2) Reaches a mutually agreeable solution with the state process; or

(3) Provides the single point of contact with a written explanation of its decision, in such form as the Administrator in his or her discretion deems appropriate. The Administrator may also supplement the written explanation by providing the explanation to the single point of contact by telephone, other telecommunication, or other means.

(b) In any explanation under paragraph (a)(3) of this section, the Administrator informs the single point of contact that:

(1) The Agency will not implement its decision for a least ten days after the single point of contact receives the explanation; or

(2) The Administrator has reviewed the decision and determined that, because of unusual circumstances, the waiting period of at least ten days is not feasible.

(c) For purposes of computing the waiting period under paragraph (b)(1) of this section, a single point of contact is presumed to have received written notification five days after the date of mailing of such notification.

### **§ 1204.1511 Coordination in interstate situations.**

(a) The Administrator is responsible for—

(1) Identifying proposed direct Federal development that has an impact on interstate areas;

(2) Notifying appropriate officials and entities in states which have adopted a process and which select the Agency's program or activity.

(3) Making efforts to identify and notify the affected state, areawide, regional, and local officials and entities in those states that have not adopted a process under the Order or do not select the Agency's program or activity;

(4) Responding pursuant to § 1204.1510 of this part if the Administrator receives a recommendation from a designated areawide agency transmitted by a single point of contact, in cases in which the review, coordination, and

communication with the Agency have been delegated.

(b) The Administrator uses the procedures in §1204.1510 if a state process provides a state process recommendation to the Agency through a single point of contact.

#### **§ 1204.1512 [Reserved]**

#### **§ 1204.1513 Waivers of provisions of these regulations.**

In an emergency, the Administrator may waive any provision of these regulations.

### **Subpart 16—Temporary Duty Travel—Issuance of Motor Vehicle for Home-to-Work Transportation**

AUTHORITY: 31 U.S.C. 1344 note, 40 U.S.C. 486(c).

#### **§ 1204.1600 Issuance of motor vehicle for home-to-work.**

When a NASA employee on temporary duty travel is authorized to travel by Government motor vehicle and the official authorizing the travel determines that there will be a significant savings in time, a Government motor vehicle may be issued at the close of the preceding working day and taken to the employee's residence prior to the commencement of official travel. Similarly, when a NASA employee is scheduled to return from temporary duty travel after the close of working hours and the official authorizing the travel determines that there will be a significant savings in time, the motor vehicle may be taken to the employee's residence and returned the next regular working day.

[68 FR 60847, Oct. 24, 2003]

#### **APPENDIX A TO PART 1204—ITEMS TO COVER IN MEMORANDA OF AGREEMENT**

The items to be covered in Memoranda of Agreement between NASA Installations and state and areawide OMB Circular A-95 clearinghouses for coordinating NASA and civilian planning:

1. Clearinghouses will be contacted at the earliest practicable point in project planning. Generally, this will be during the preparation of Preliminary Engineering Reports, or possibly earlier if meaningful information

is available that could practically serve as an input in the decision-making process. It should be noted that clearinghouses are generally comprehensive planning agencies. As such, they are often the best repositories of information required for development planning and constitute a resource that can often save Federal planners substantial time and effort, if consulted early enough. In addition to providing information necessary for preliminary engineering, clearinghouses can make useful inputs to the development of environmental impact statements, as well as in reviewing draft statements. Thus, consultation at the earliest stage in planning can have substantial payoffs in installation development.

2. Clearinghouses will be afforded a minimum time of 30 days in which to review and comment on a proposed project and a maximum time of 45 days in which to complete such review.

3. The minimum information to be provided to the clearinghouse will consist of project description, scope and purpose, summary technical data, maps and diagrams where relevant, and any data which would show the relationship of the proposed project or action to applicable land use plans, policies, and controls for the affected area.

4. Establish procedures for notifying clearinghouses of the actions taken on projects, such as implementation, timing, postponement, abandonment, and explaining, where appropriate, actions taken contrary to clearinghouse recommendations.

## **PART 1205 [RESERVED]**

## **PART 1206—AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC**

Sec.

### **Subpart 1—Basic Policy**

- 1206.100 Scope of part.
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### **Subpart 2—Records Available**

- 1206.200 Types of records to be made available.
- 1206.201 Records which have been published.
- 1206.202 Deletion of segregable portions of a record.
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